



King County

KING COUNTY

PUBLIC RULES

DEPARTMENT OF NATURAL RESOURCES AND PARKS

Administrative Appeals for Solid Waste Division and Wastewater Treatment Division Projects

Document Code No.: PUT 7-4 (PR)
Effective Date: November 14, 2003
Amended: _____

Amendments specific to expressly incorporating existing statutory limitations on administrative appeals and authorizing Director's discretion pursuant to RCW 43.21C.240.

Sections:

- 6.1 Appeal Procedures
- 6.2.14 Authority of Director to Provide for No Administrative Appeal

6.0 APPEAL PROCEDURES:

6.1 This rule creates an administrative appeal procedure for the appeal of a DNS or the adequacy of a final EIS, for any DNS or final EIS, which is issued by the Solid Waste Division or the Wastewater Treatment Division after the effective date of this rule, provided that no administrative appeal is allowed if the Director makes the determination provided for in subsection 6.2.14, and provided further that the Director and the Hearing Examiner shall allow an administrative appeal only if it is consistent with RCW 43.21C.075(3)(B) and WAC 197-11-680(3)(a), e.g., if the County does not provide for an administrative appeal of the underlying governmental action, then once a Division applies for a permit for a project for which a DNS or final EIS is prepared, the Hearing Examiner shall not accept an administrative appeal of the DNS or final EIS and the Hearing Examiner shall dismiss any pending administrative appeal so long as the hearing on the merits of the appeal has not commenced (i.e. Opening Statements have not commenced pursuant to Section 6.2.8.7). This rule also describes the general requirements and elements, which must be included in any administrative appeal of a DNS or of the adequacy of a final EIS.



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6.2.14 Authority of Director to Provide for No Administrative Appeal. If the Director of the Department of Natural Resources and Parks determines, in his or her sole judgment and discretion, that providing for an administrative appeal that is otherwise allowed under this rule would, for a given project or proposal, be likely to cause the Department of Natural Resources and Parks to violate a compliance, enforcement or other specific mandatory order or specific legal obligation, or if the Director makes a determination that is consistent with policy expressed in RCW 43.21C.240, that the environmental impacts identified in a DNS or final EIS will be adequately addressed by the development regulations or other applicable requirements of the jurisdiction in which the project will be located or by other applicable local, state or federal regulations then the Director may specify that no administrative appeal will be allowed for that given project or proposal. In such case(s), the Director's determination that no administrative appeal shall be allowed, along with a reference to the compliance, enforcement or other specific mandatory order or specific legal obligation upon which the determination is based, or along with a statement of the Director's determination that the impacts identified in the DNS or final EIS will be adequately addressed by the development regulations or other applicable requirements of the jurisdiction in which the project will be located or by other applicable local, state or federal regulations, shall be included in the notice of the SEPA determination for that project or proposal.